

Mr. Chairman and Members of the Subcommittee:

I am Tamara Chrisler, Executive Director of the Office of Compliance. Thank you for the opportunity to testify today at your oversight hearing on the representation of women and minorities in executive level positions in the legislative branch. The Office of Compliance is privileged to be included in your review of the reports from those agencies that have performed diversity audits at the direction of this Subcommittee. Consistent with our own statutory mandate, we are also proud to share our expertise with our covered community.

About the Congressional Accountability Act and the Office of Compliance

The Office of Compliance, established as an independent agency by the Congressional Accountability Act (CAA) of 1995, advances safety, health, and workplace rights in the United States Congress and the legislative branch. The CAA -- the first piece of legislation passed, with broad bipartisan support, by the 104th Congress -- requires covered legislative branch entities to follow many of the same employment and workplace safety laws applied to the private sector and to the federal government.

Included in the CAA's ambit are twelve civil rights, labor, and workplace safety laws:

The Age Discrimination in Employment Act of 1967
The Americans with Disabilities Act of 1990
Title VII of the Civil Rights Act of 1964
The Employee Polygraph Protection Act of 1988
The Fair Labor Standards Act of 1938
The Family and Medical Leave Act of 1993
Chapter 71 of the Federal Services Labor-Management Relations Act
The Occupational Safety and Health Act of 1970
The Rehabilitation Act of 1973
Uniformed Service Members Employment and Reemployment Rights
 under Chapter 43, Title 38 of the U.S. Code
The Worker Adjustment and Retraining Notification Act of 1989, and
The Veterans Employment Opportunities Act.

Implementing the CAA, our Office educates employees and employing offices about their rights and responsibilities under the Act, provides an impartial dispute resolution process, and investigates and remedies violations of the Act. Of particular relevance to today's hearing is Section 201, which requires that all personnel actions involving covered employees be free from discrimination based on race, color, religion, sex or national origin; disability; and age for those 40 or older. Personnel actions generally include hiring, discharge, promotion, pay, benefits, reassignment, and other personnel actions affecting the terms and conditions of employment.

The CAA protects more than 30,500 employees of the legislative branch, including employees of the House of Representatives and the Senate, the Capitol Guide Service, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance (OOC), and the United States Capitol Police. Certain provisions of the CAA also apply to the Government Accountability Office (GAO) and the Library of Congress (LOC). Thus, in whole or in part, the CAA covers almost all of the agencies subject of this oversight hearing and aspires to be a resource to the entire covered community.

Selected Services of the Office of Compliance

The Office of Compliance is unwaveringly committed to:

- guaranteeing that the workplace of legislative branch employees is a fair one; and
- providing assistance to Congress and its instrumentalities and agencies in meeting their workplace demands.

Three of our core, statutorily-mandated functions include:

1) Education: The Office of Compliance educates covered employees and employing offices in the legislative branch about their rights and responsibilities under the CAA. Education and information activities include maintaining a comprehensive website and developing and distributing written materials and publications, such as handbooks, brochures, pamphlets, "Fast Facts," and our annual Newsletter – featuring substantive legal and regulatory activities. Our education mandate is additionally met by participating in quarterly briefings sponsored by the Congressional Research Service for legislative branch employees located on campus, as well as in state and district offices; distributing informative handouts to all new Congressional employees regarding their rights and how to exercise them; and by our Annual Report to Congress, providing both statutorily-mandated statistics and narrative detailing accomplishments tracked to our Strategic Plan. We are always available on request to offer workshops and trainings for Washington, DC personnel. In fact, staff from the OOC have participated in the Senate Office of Education briefings, conducted our own briefings for House employees, and briefed labor organizations in our office. The agency has most recently conducted our second major conference on alternative dispute resolution for managers and has a similar conference scheduled for September 23, 2008 for union officials. Our education and information activities also include providing referrals and information to employees and employing offices on an individual or group basis, in Washington DC or in your states and districts.

2) Dispute Resolution: The CAA establishes a mandatory dispute resolution process for covered employees that is overseen by the OOC, as a neutral and independent agency. The statutorily-mandated process requires initial counseling and mediation. The counseling program, conducted by lawyers trained in the substantive areas of Section 201 of the CAA, allows for confidential discussion of the facts leading up to the allegation. Then, at no cost to the parties, the agency provides trained mediators to assist in resolving their dispute. Our mediation program, a proven method of alternative dispute resolution, has been highly

successful in assisting both employees and employing offices come to resolution without the cost and burdens of litigation. If the parties are not able to resolve their dispute through counseling and mediation, however, an employee may either pursue a non-judicial administrative hearing process with the Office of Compliance or file suit in Federal court. Should an employee file an administrative complaint with our office, an impartial hearing officer is assigned to hear the evidence and to render a decision. Either party may appeal the hearing officer's decision to the agency's Board of Directors. The Board of Directors' decision is the agency's final decision, which can be appealed to the Federal Circuit.

3) Reports and Recommendations to Congress: Section 301(h) of the CAA requires an annual report to Congress presenting statistics on the use of the Office of Compliance by covered employees and employing offices in the legislative branch. This report includes the number and type of contacts made with the Office of Compliance and the reasons for such contacts; the number of covered employees who initiated proceedings with the Office under the Congressional Accountability Act and the result of such proceedings; and the number of covered employees who filed complaints, the bases for the complaints, and the action taken on the complaints. Section 102(b)(2) of the CAA requires the Board of Directors to submit a biennial report to Congress on the applicability to the legislative branch of any employment laws not already made applicable by the CAA.

Contacts and Requests for Counseling under Section 201 of the CAA

As previously mentioned, the Office of Compliance annually submits a statistical report to Congress documenting activity during that fiscal year. In Fiscal Year 2007, our experience under Section 201, which would pertain to diversity issues, was as follows:

<u>Fiscal Year</u>	<u>Number of Contacts</u>	<u>Requests for Counseling</u>
2007	103	64

In compiling statistics, the Office of Compliance is ever mindful of the strict confidentiality provisions of the CAA and of our agency's Procedural Rules. We are, of course, optimistic that our education programs effectively work both towards our goal of a fair workplace on campus, and of community knowledge of rights. In addition, we have committed to the Government Accountability Office that we will use complaint data to better target our education efforts.

I also note for the Subcommittee that the Office of Compliance has no authority to review and comment on the adequacy of any particular diversity plan, nor do we develop those plans for our covered community. However we may conduct educational programs tailored to the specific diversity needs of our covered community. We seek always to serve as an expert resource and an educator and trainer on the rights and protections afforded by the CAA.

Office of Compliance Mission and Possibility

The mission of the Office of Compliance is simultaneously vast and discrete. We are here to serve you and to assist you in ensuring a fair, safe, and accessible workplace for the thousands

of legislative branch employees and visitors to the Capitol complex. We are constrained in our aspirations only by resources to do more and better education and outreach. Our staff includes only one executive and one junior staffer primarily dedicated to these functions. In addition, however, our skilled counselors are also responsible for providing employees who request counseling with all relevant information on their rights under the CAA. Moreover, the Office of Compliance, as mandated by the CAA maintains a master list of independent mediators and hearing officers who are experienced in adjudicating or arbitrating the kinds of personnel and employment rights issues that present themselves under the CAA.

Still, with enhanced funding, there is so much more we could do for you, including:

- regular outreach to congressional Members and staff, not limited to appropriations and oversight committees;
- training to every office and/or groups of offices on a regular basis, including at the district level;
- providing a genuinely searchable and considerably friendlier, enhanced website with user-interactivity and education streaming on a variety of topics;
- numerous annual publications, not limited to those statutorily-prescribed;
- enhanced tracking of contacts/counseling/mediation/administrative claims/appeals, to include break-out by agency and basis; and
- collaborative efforts with all sectors of our covered community to achieve the mission for the benefit of all.

Conclusion

The Office of Compliance applauds the work of this Subcommittee in seeking to ensure that legislative branch agencies' personnel policies and practices are both fair and promote the opportunity for all employees to maximize their contribution to mission. Assuredly, the Office of Compliance is dedicated to those same ends.

We seek to assist the Subcommittee in its efforts. I am available to answer any questions you may have.